



CITY OF CARMEL-BY-THE-SEA HARRISON MEMORIAL LIBRARY BOARD OF TRUSTEES

Trustees Marie -Clare Gorham, John Krisher, Susan
Murphy, Phil Pardue, and Mary Jo Williams

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

SPECIAL MEETING **Wednesday, January 8, 2025**

9:00 AM

THIS MEETING WILL BE HELD IN PERSON AND VIA TELECONFERENCE. The public is welcome to attend the meeting in person or remotely via Zoom, however, the meeting will proceed as normal even if there are technical difficulties accessing Zoom. The City will do its best to resolve any technical issues as quickly as possible. To view or listen to the meeting from home, you may watch the Youtube Live Stream at:

<https://www.youtube.com/@CityofCarmelbytheSea/streams>, or use the link below to view or listen to the meeting via Zoom teleconference:

<https://ci-carmel-ca-us.zoom.us/j/86903427849> Webinar ID: 869 0342 7849 Passcode: 504987 Dial in: 669-444-9171

HOW TO OFFER PUBLIC COMMENT: Public comment may be given in person at the meeting, or using the Zoom teleconference module, provided that there is access to Zoom during the meeting. Zoom comments will be taken after the in-person comments. The public can also email comments to lsfenton@ci.carmel.ca.us. Comments must be received 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be made part of the record.

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC APPEARANCES

Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Appearances. Each person's comments shall be limited to 3 minutes, or as otherwise established by the Trustees. Matters not appearing on Trustees' agenda will not receive action at this meeting but may be referred to staff for a future meeting. Persons are not required to give their names, but it is helpful for speakers to state their names in order they may be identified in the minutes of the meeting.

ORDERS OF BUSINESS

Orders of Business are agenda items that require Commission discussion, debate, direction to staff, and/or action.

1. Master Plan Ad Hoc Committee review and discussion about the Harrison Memorial

Library Board of Trustees' authority in general and with regards the renovation project for the Harrison Memorial Library and provide direction

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, located on the NE corner of Ocean Avenue and Lincoln Street, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us> in accordance with applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the Board of Trustees regarding any item on this agenda, received after the posting of the agenda will be available in the Library and Community Activities Director's Office located at the Park Branch Library at the NE corner of Mission Street and Sixth Avenue during normal business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA HARRISON MEMORIAL LIBRARY BOARD Staff Report

January 8, 2025
ORDERS OF BUSINESS

TO:	Harrison Memorial Library Board of Trustees
SUBMITTED BY:	Ashlee Wright, Library and Community Activities Director
SUBJECT:	Master Plan Ad Hoc Committee review and discussion about the Harrison Memorial Library Board of Trustees' authority in general and with regards the renovation project for the Harrison Memorial Library and provide direction

RECOMMENDATION:

Review and discuss the Harrison Memorial Library Board of Trustees' authority in general and with regards the renovation project for the Harrison Memorial Library and provide direction

BACKGROUND/SUMMARY:

2024 RENOVATION PROJECT RE-CAP

During Fiscal Year 2022-2023 the City funded a \$50,000 Phase 1 Master Plan for the Harrison Memorial and Park Branch Library buildings. The Phase 1 report provided an analysis of building systems and their remaining service life, and some preliminary design ideas. Understanding the City's competing capital infrastructure needs, the Carmel Public Library Foundation (CPLF) stepped up and offered to undertake the fundraising for the renovation of the Harrison Memorial Library.

In Fall 2024 the City issued a Request for Proposals for Architectural Services for the renovation of the Harrison Memorial Library and the Council agreed to the CPLF's proposal for an Architect Selection Committee to review applications and to make a recommendation regarding a project architect to the Trustees and Council for their final approval.

As a new year begins, negotiations between the City and CPLF regarding funding remain ongoing, the Architect Review Committee has narrowed down a recommendation for a project architect, and the CPLF continues their fundraising efforts.

TRUSTEES' AUTHORITY

While this work is in progress it provides an opportune time, prior to the commencement of architectural work, to clarify and discuss the Trustees' authority with regard to library operations and the library buildings and how that factors into the proposed renovation project.

Through authority vested by Chapter 2.72 of the Carmel-by-the-Sea Municipal Code (CMC) the Trustees hold broad authority to manage and oversee library operations, including property management, trusts, and donations. Chapter 2.72 Public Library Board (Attachment 1) provides for the legal authority of the Trustees with regard to the Library and Section 2.72.010 formally established the City's public Library, and by extension the Trustees, under state law, Education Code Section 18900 et seq.

- Sections 2.72.050(A) and 2.72.050(B) grant the Trustees the authority to manage, control, and administer any library building or property owned or acquired by the City, as well as to administer any trusts, gifts, devises, or bequests for the library's benefit. This authority includes holding property in trust or otherwise and, when not otherwise specified, disposing of it to benefit the library.
- Neither Section 2.72.050 nor the rest of Chapter 2.72 grants the City Council final authority over these decisions. Instead, these provisions assign operational control explicitly to the Trustees, without indication of superior control by the Council. However, Section 2.72.050(H) requires the Trustees to annually report to the City Council on the library's condition and activities, ensuring transparency.
- While the Trustees maintain operational independence, they make recommendations to the City Council during the annual budget process, particularly regarding capital work on library buildings and staffing needs. The Council relies on these recommendations, but retains the authority to approve capital projects based on funding availability and priorities relative to other City needs.
- Section 2.72.060 governs the use of library funds, including the administration of the Harrison bequest, and limits Trustees' authority over the initial construction and equipment of the Ralph Chandler Harrison Memorial Library. Since the library was completed long ago, this limitation no longer affects the Trustees' current activities, including the ongoing renovation project.
- Section 2.72.090 vests legal title to all library property with the City. However, this ownership does not conflict with or diminish the Trustees' broad operational control, as outlined in Section 2.72.050.

In summation: the Trustees have authority over library operations, including managing property, administering funds, and making recommendations on capital projects and staffing during the budget process, while the City Council retains approval for capital work based on funding priorities. Although the City holds legal title to library property, this does not limit the Trustees' operational control.

RENOVATION PROJECT GOING FORWARD

What does this mean for the renovation of the Harrison Memorial Library?

The Trustees' paramount responsibility that by City Code can not be delegated is: 1. To determine whether any proposed design supports or compromises the functionality of the building - functionality which will ensure continuity and efficiency of library operations that meet Library patron needs, and 2. To base any approval, rejection or recommendation of/for the proposed design to the Council, Planning Commission, or Historic Resources Board, etc. on whether the design will meet Library patron needs.

In support of this at their April 2024 regular meeting, the Trustees adopted the following guiding principles for the renovation project that align with their authority as outlined in CMC Chapter 2.72 and are as follows:

1. Well maintained facilities that meet patrons needs
2. Maximize service hours
3. No negative impact to the workforce (Library Staff)
4. No extra cost to the City residents
5. Minimal disruption to services

In addition to overall building layout, other factors that will be considered regarding design impacts will include, but are not limited to: increased annual maintenance costs or potential costly repairs for the City in the future and potential additional staffing needs incurred with increased technology systems or program changes.

NEXT STEPS

As mentioned previously, the negotiations between the City and the Carmel Public Library Foundation (CPLF) have been ongoing since July 2024. The following two key areas of the contract still remain undetermined: 1. project administration and 2. funding model.

As the City continues negotiating a funding agreement with the CPLF the Trustees recommend that the City as the building owner and holder of any and all liability project take a stance on both of the key areas identified to ensure that the City is protected and that the Trustees are able to fulfill their authority as governed by City code.

The Trustees look forward to reviewing the agreement between the City and the CPLF when it is completed and reviewing the Architect Review Committee's recommendation for a Project Architect.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Attachment 1: Chapter 2.72

Chapter 2.72 PUBLIC LIBRARY BOARD*

Sections:

2.72.010 Establishment and Compliance With State Statute.

2.72.020 Membership and Criteria for Appointment.

2.72.030 Appointment Process.

2.72.035 Termination of Members.

2.72.040 Board of Trustees – Meetings.

2.72.050 Board of Trustees – Powers.

2.72.060 Library Fund.

2.72.070 Free to Residents and Nonresident Taxpayers.

2.72.080 Contract to Outside Corporations.

2.72.090 Title for Property.

2.72.100 Existence and Maintenance Not Affected by Repeal.

* For statutory provisions on municipal libraries, see Education Code § [18900](#) et seq.

2.72.010 Establishment and Compliance With State Statute.

A public library is established in and for the City. It shall be established, conducted, managed, controlled and maintained pursuant to the provisions of California Statutes, 1976, Chapter 1010, Section 2, operative April 30, 1977, and codified in California Education Code Section [18900](#) et seq. (Ord. [91-19](#) § [5](#), [1991](#); Ord. [79-21](#) § [2](#), [1979](#); Ord. [53](#) § [1](#), [1923](#); Code [1975](#) §§ [265](#), [265.1](#)).

2.72.020 Membership and Criteria for Appointment.

A. The Harrison Memorial Library Board of Trustees shall consist of five members, each of whom shall be appointed to serve a three-year term as designated by statute.

B. At least three members of the Harrison Memorial Library Board of Trustees shall be residents of the City, and no more than two members shall be residents from the City's adopted sphere of influence.

C. All members of the Harrison Memorial Library Board of Trustees shall possess a valid Harrison Memorial Library patron card. (Ord. [91-19](#) § [5](#), [1991](#); Ord. [89-3](#) § [5](#), [1989](#); Ord. [84](#) § [1](#), [1927](#); Ord. [53](#) § [3](#), [1923](#); Code [1975](#) § [265.2](#)).

2.72.030 Appointment Process.

Attachment 1

A. Members of the Harrison Memorial Library Board of Trustees shall be nominated by the Mayor, whose nomination shall be ratified by at least three of the five members of the City Council.

B. Terms of the members shall be staggered so that at least one term, but no more than two terms, shall expire annually. Terms of office for new members shall begin the date of the regular meeting in May of the appropriate year. Terms of office of outgoing members shall end simultaneously. The newly appointed members shall be sworn in by the City Clerk.

C. In the event an appointment cannot be made in a timely manner, the incumbent may continue to serve until a new member is appointed. (Ord. 2021-01 § 5, 2021; Ord. 93-8 § 1, 1993; Ord. 91-19 § 5, 1991; Ord. 89-3 § 5, 1989; Code 1975 § 265 et seq.).

2.72.035 Termination of Members.

A member of the Harrison Memorial Library Board of Trustees shall be terminated only for good cause. (Ord. 93-8 § 1, 1993).

2.72.040 Board of Trustees – Meetings.

A. The Board of Library Trustees shall meet at least once a month at such times and places as it may fix by resolution. Special meetings may be called at any time by three trustees or by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business.

B. Such board shall appoint one of their number President, who shall serve for one year until a successor is appointed, and in the President's absence shall elect a President Pro Tempore.

C. Such board shall cause a proper record to be kept. (Ord. 91-19 § 5, 1991; Ord. 53 § 4, 1923; Code 1975 § 265.3).

2.72.050 Board of Trustees – Powers.

The Board of Library Trustees shall have power as follows:

A. To manage, control and administer any library building or library property which is now owned or may hereafter be acquired by the City; to make and enforce all rules, regulations and bylaws necessary for the administration, government and protection of the library under its management and all property belonging thereto;

B. To administer any trust hereafter declared or created for such library and receive any gift, devise or bequest and hold in trust, or otherwise, property situated in this State or elsewhere, and, when not otherwise provided, dispose of the same for the benefit of such library;

C. To purchase necessary books, journals, publications and other personal property;

D. To purchase such property and erect and equip such building or buildings, room or rooms, as may be necessary when in their judgment a suitable building or portion thereof has not been provided by the legislative

E. To require the Secretary of State and other State officials to furnish such library with copies of any and all reports, laws and other publications of the State, not otherwise disposed of by law;

F. To borrow books from, lend books to, and exchange the same with other libraries, and to allow nonresidents to borrow books, upon such conditions as they may prescribe;

G. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter;

H. The Board of Library Trustees shall each year make a report to the City, giving the condition of the library on the thirtieth day of June preceding, and forward a copy thereof to the State Library at Sacramento;

I. To raise money for special or library purposes through direct organization and operation of fund-raising campaigns or programs, or through the establishment of foundations or employment of persons for fund-raising. (Ord. 2012-06 (Exh. A), 2012; Ord. 91-19 § 5, 1991; Ord. 84-15 § 1, 1984; Ord. 83-16 § 1, 1983; Ord. 79-21 § 3, 1979; Ord. 53 § 5, 1923; Code 1975 § 265.4).

2.72.060 Library Fund.

A. All money acquired by gift, devise, bequest or otherwise for the purpose of the library shall be apportioned to a fund to be designated as the library fund, and be applied to the purpose authorized in this chapter. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise or bequest, the Board of Library Trustees shall provide for the safety and preservation of the same and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest; provided, however, that the provisions of this section shall not apply to the construction and initial equipment of the Ralph Chandler Harrison Memorial Library building, the property to be used for which the purpose has heretofore been devised and bequeathed to the City Council by the Last Will and Testament of Ella Reid Harrison, deceased.

B. Payments from the library fund shall be made upon warrants issued after due audit by, and order from, the Library Trustees, which warrant shall be signed by the President and Secretary of the Board of Library Trustees. The Treasurer of the municipality shall pay such warrants without any further order or warrant from any other authority. (Ord. 91-19, 1991; Ord. 53 § 7, 1923; Code 1975 § 265.6).

2.72.070 Free to Residents and Nonresident Taxpayers.

The library established under this chapter and an act of the Legislature of the State of California shall be forever free to the inhabitants and nonresident taxpayers of the municipality, subject always to such rules, regulations and bylaws as may be made by the Board of Library Trustees; and provided, that for violations of the same a person may be fined or excluded from the privileges of the library. (Ord. 91-19 § 5, 1991; Ord. 53 § 8, 1923; Code 1975 § 265.7).

2.72.080 Contract to Outside Corporations.

The Board of Library Trustees and the legislative bodies of neighboring municipalities or Boards of Supervisors of the Counties in which public libraries are situated may contract for lending books of such library to residents of such Counties or neighboring municipalities upon a reasonable compensation to be paid by such Counties or neighboring municipalities. (Ord. 91-19 § 5, 1991; Ord. 53 § 9, 1923; Code 1975 § 265.8).

2.72.090 Title for Property.

The title to all property acquired for the purposes of the library, when not inconsistent with its terms of acquisition, or otherwise designated, shall vest in the City of Carmel-by-the-Sea, and in the name of said municipal corporation may be sued for, or defended by action at law, or otherwise. (Ord. 91-19 § 5, 1991; Ord. 53 § 10, 1923; Code 1975 § 265.9).

2.72.100 Existence and Maintenance Not Affected by Repeal.

The repeal of the ordinance codified in this chapter shall in no wise affect the existence and maintenance of the Ralph Chandler Harrison Memorial Library, the continued existence and maintenance of which, in the event of the repeal hereof, shall be provided for by ordinance of the municipality, save and except that such ordinance shall not be formulated or passed pursuant to the provisions of an act of the Legislature of the State of California entitled: "Act to Provide for the Establishment and Maintenance of Public Libraries Within Municipalities," approved March 23, 1901, or to the amendments of the Act. (Ord. 91-19 § 5, 1991; Ord. 53 § 11, 1923; Code 1975 § 266).

The Carmel-by-the-Sea Municipal Code is current through Ordinance 2024-01, passed July 9, 2024.

Disclaimer: The city clerk's office has the official version of the Carmel-by-the-Sea Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://ci.carmel.ca.us/>

City Telephone: (831) 620-2000

Codification services provided by [General Code](#)